

**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1 and 7 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 2-4 and 9-11 are canceled.

Claims 1-4, 7, and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent 5,862,223) in view of Knee et al. (U.S. Patent 5,589,892) and further in view of Luke et al. (U.S. Patent 6,131,087).

The Examiner states in response to the Applicant's previous arguments that Walker suggest[s] that both the user or the expert can log on to the web page of the central controller and be provided with a list of service request or service offer...." (Office Action page 2) In other words, Walker does not explicitly disclose "supplying a service list of said request information" as required in the present claims. The mere possibility that Walker's teachings may or may not be compatible with the use of an analogous list is not sufficient to meet the present claim limitations. Accordingly, Walker cannot be used to meet the present invention's "service list" limitation. Furthermore, the present service list contains requests for information on goods,

not on (expert) services as discussed in Walker. Walker does not even involve the sale of goods and is therefore not germane to the present limitations.

Moreover, Applicant reasserts the previous argument that in the present invention, “a request information [is] transmitted by a first user” to an agent server; wherein “said first user is a customer and said request information is a request for an offer to sell goods matching the request to said customer.” (Claims 1 and 7) The invention “suppl[ies] a service list of said request information … to a second user … in response to a demand entered from said second user;” wherein “said second user is a shop and said service information is said offer.” (Claims 1 and 7) The invention then “search[es] for service information corresponding to said request information and said user information of said second user … in response to a demand for a request list from said first user.” (Claims 1 and 7) The invention records the “service information transmitted by said second user in response to the request information in said service list.” (Claims 1 and 7) The invention “search[es] for service information corresponding to said request information and said user information of said second user recorded by said recording means, in response to a demand for a request list from said first user.” (Claims 1 and 7) In other words, customers submit their requests for offers over the network to an agent server. Shops then request from the agent server a list of the submitted requests for offers pertaining to their goods. The shops can service any relevant requests by sending an offer back to the agent server. The customers request a list of their previously submitted requests to see whether any shops have serviced their requests (i.e. sent in an offer). Hence, the present invention requires the following steps be performed: 1) a first user submits a request for offers; 2) a second user submits a demand for a service list of requests; 3) the second user submits service information (i.e. offers) in response to requests in the service list; and 4) the first user submits a request for a list of

service information corresponding to their requests. In this manner, the present invention allows the customer to solicit and receive offers from numerous shops; the shops can decide whether to respond to various requests with offers; and the customer can then select the best offer. Importantly, this process allows the customers and shops full autonomy in selecting each other.

By contrast, Walker is directed to an electronic marketplace for consulting services in which: 1) a user submits a request for expert services, 2) a program selects and notifies the appropriate expert; and 3) the expert answers the request. Hence, Walker discloses matching an end user with an expert using a program (Abstract), rather than allowing customers and shops to select each other through a series of requests and responses as taught in the present invention. For example, the present claims recite “supplying a service list of said request information ... to a second user ... in response to a demand entered from said second user.” (Claims 1 and 7) Instead, Walker uses a program to select and notify the expert of a request for his service. Walker does not discuss the expert making a demand for a list of requests for offers. Hence, Walker fails to meet the present limitation of “supplying a service list of said request information ... in response to a demand entered from said second user” as required in the claims. Further, Walker discloses the end user making a request for expert services (Fig. 15); rather than the end user making a request for offers to provide goods/services. This distinction between “a request for an offer” and “an offer to buy” is a well established principle under contract law. In addition, Walker uses a program to assist in matching a request with an expert; rather than having a shop request a service list of posted requests as in the present invention.

Knee is directed to an electronic programming guide that can associate products for purchase with shows listed in the guide. Knee is relied on to meet the present limitation of “a mark which expresses the existence of service information corresponding to the request

information.” (Office Action page 4) However, like Walker as discussed above, Knee does not disclose a request for an offer from a customer or that a shop can service that request. More specifically, Knee fails to meet the present limitation of “supplying a service list of said request information … in response to a demand entered from said second user” as required in the claims. Hence, the combination of Walker and Knee fails to meet all of the present invention’s limitations.

Luke is a “method for automatically identifying, matching, and near-matching buyers and sellers in electronic market transactions.” (Title) Luke is relied on by the Examiner for teaching “a matching system for electronic commerce for request and offer to sell goods (see Luke, col. 1, lines 13-30, it is inherent that user offers of selling goods encompasses shop or store or business).” (Office Action page 4) However, like Walker and Knee as discussed above, Luke uses a program to automatically match buyers and sellers; rather than having a shop request a service list of posted requests as in the present invention. More specifically, Luke fails to meet the present limitation of “supplying a service list of said request information … in response to a demand entered from said second user” as required in the claims. Hence, the combination of Walker, Knee, and Luke fails to meet all of the present invention’s limitations.

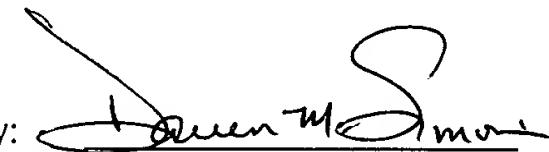
Accordingly, for at least these reasons, the combination of Walker, Knee, and Luke fails to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:   
Darren M. Simon  
Reg. No. 47,946  
(212) 588-0800